

OGC Has Reviewed

OGC 80-08953  
20 October 1980

MEMORANDUM FOR: Deputy Chief, Benefits & Services Division/  
OPPPM

STATINT FROM:

[REDACTED]  
Office of General Counsel

SUBJECT: Legality of Holding An EAA Raffle During  
the EAA Fair

1. This memorandum is in response to your inquiry as to the legality of holding an EAA raffle during the EAA Fair as a means of attracting new members. The raffle would be limited exclusively to EAA members with there being no charge for the tickets. This would in reality be an inducement for employees to join the EAA. The raffle as proposed would constitute gambling while on Government property.

2. Employee gambling while on Government property is explicitly prohibited under 41 C.F.R. §105-735.208:

An employee shall not participate, while on Government-owned or leased property, or while on duty for GSA, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket, except as otherwise lawfully authorized.

3. Limiting the no-charge raffle to EAA members would constitute gambling for those new members who would not have joined had there been no EAA raffle. These employees, when they pay their membership fees, would in effect be giving some consideration for a chance to win in the raffle. The amount of the consideration would be equal to the amount of the membership fee each would have been unwilling to pay if there were no raffle. Any promotional scheme which requires the giving of any consideration in exchange for a chance to win in a game for money or property is gambling. The raffle, as proposed, would be gambling and is therefore prohibited by 41 C.F.R. §105-735.208.

4. If the EAA raffle was open to all employees without charge regardless of whether they join the EAA or not, there would be no legal barriers. Where no consideration must be given for the raffle ticket, there is no gambling. This sort of raffle would be similar to the Bingo games of chance prevalent in large supermarkets in Virginia. These games of chance are not deemed to be gambling because no purchase is required in order to play. A participant need not even be a customer. All that is required is that he enter the store and request a ticket. These games do have the desired effect of attracting new customers. An EAA raffle conducted along these same lines would undoubtedly have a similar effect in boosting EAA membership.

5. If I can be of any further assistance in this matter, my extension is [REDACTED]

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